

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

BENEFICIAL INNOVATIONS, INC.,

Plaintiff,

vs.

COMCAST CORPORATION ET AL.,

Defendants.

CASE NO. 2:09-cv-175 (TJW)

**Jury Trial Demanded**

**JOINT MOTION TO DISMISS**

NOW COMES the Plaintiff Beneficial Innovations, Inc. and Defendant The Dallas Morning News, Inc. (“TDMN”) and respectfully move the Court to dismiss the claims between them, and in support thereof would respectfully show the Court as follows:

All matters in controversy between Beneficial Innovations, Inc. and TDMN in this suit have been settled and compromised, and these parties therefore jointly move to dismiss all claims asserted between them, with prejudice to the right to pursue any such claims in the future except as provided in the parties’ settlement agreement. These parties further move that all costs of court be assessed against the party who incurred them.

WHEREFORE, PREMISES CONSIDERED, these parties jointly pray that their claims against each other be dismissed with prejudice, with all costs of court being assessed against the party who incurred them.

Dated: February 19, 2010

Respectfully submitted,

By: /s/ Julien A. Adams

S. Calvin Capshaw

State Bar No. 03783900  
Elizabeth L. DeRieux  
State Bar No. 05770585  
Brown McCarroll, L.L.P.  
1127 Judson Road, Suite 220  
Longview, TX 75601  
Telephone: (903) 236-9800  
Facsimile: (903) 236-8787  
Email: capshaw@mailbmc.com  
Email: ederieux@mailbmc.com

Of Counsel:

Gregory S. Dovel  
CA State Bar No. 135387  
Julien Adams  
CA State Bar No. 156135  
Dovel & Luner, LLP  
201 Santa Monica Blvd., Suite 600  
Santa Monica, CA 90401  
Telephone: 310-656-7066  
Facsimile: 310-657-7069

ATTORNEYS FOR PLAINTIFF,  
BENEFICIAL INNOVATIONS, INC.

By: /s/ Steven Malin  
Sidley Austin Brown & Wood  
717 North Harwood  
Suite 3400  
Dallas, Tx 75201  
214-981-3386

ATTORNEYS FOR DEFENDANT  
THE DALLAS MORNING NEWS, INC.

**CERTIFICATE OF SERVICE**

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served this 19<sup>th</sup> day of February, 2010 with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3).

/s/ Julien A. Adams  
Julien A. Adams